UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X NINO STEA. Plaintiff, : : MEMORANDUM & ORDER -against-12-cv-5785 (ENV) (RML) : KOHL'S DEPARTMENT STORES, INC., KOHL'S ILLINOIS, INC., KOHL'S NEW : YORK, D.C., INC., and JOHN D. AND CATHERINE T. MACARTHUR FOUNTATION, Defendants.

VITALIANO, D.J.,

On September 18, 2013, Magistrate Judge Robert M. Levy issued his Report and Recommendation ("R&R") that plaintiff's complaint be dismissed for failure to prosecute this action, pursuant to Federal Rule of Civil Procedure 4(m), and for failure to comply with Judge Levy's August 27, 2013 Order to Show Cause why such relief should not be granted.

In reviewing an R&R of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). A district judge is required to "make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made" by any party, Fed. R. Civ. P. 72(b), but where no timely objection has been made, the "district court need only satisfy itself that there is no clear error on the

face of the record" to accept a magistrate judge's Report and Recommendation.

Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v.

Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

The R&R gave proper notice that any objection must have been filed within

14 days. Neither plaintiff nor defendants have objected to Judge Levy's R&R within

the time prescribed by 28 U.S.C. § 636(b)(1). In accord with the applicable standard

of review, the Court finds Judge Levy's R&R to be correct, well-reasoned, and free

of any clear error. The Court, therefore, adopts it in its entirety as the opinion of the

Court.

Accordingly, the complaint is dismissed with prejudice for failure to

prosecute this action. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated:

Brooklyn, New York

October 9, 2013

s/. ENV

ERIC N. VITALIANO

United States District Judge

2